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Cubist Pharmaceuticals
65 Hayden Avenue, Lexington, MA 02421
(781) 860-8660
(781) 861-0566 fax

Facsimile

To:	Deposit Account Branch	From:	Timothy J. Douros
Fax:	703 308 6778	Title:	Chief Intellectual Property Counsel
Phone:		Phone:	781 860 8476
Date:	January 9, 2004	Pages:	(including cover)

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Re: Deposit Account No. 50-1986

According to our 11/28/03 statement, large entity fees were deducted from our deposit account for activity in USSN 09/221,687 (Docket No. C044). Cubist Pharmaceuticals, Inc. is a small entity. Therefore, we respectfully request that you refund the sum of \$595.00, which is the difference between the total small and large entity fees. Copies of the 11/28/03 statement and pertinent authorizations to charge our deposit account are attached.

Thank you for your attention to this matter. Please contact me with any questions.

Confidential



UNITED STATES
PATENT AND
TRADEMARK OFFICE

MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

CUBIST PHARMACEUTICALS, INC
TIMOTHY J DOUROS
65 HAYDEN AVE

LEXINGTON MA 02421

FINA

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

Account No.	501986
Date	11-28-03
Page	1

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Chicago, IL 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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11	4	03	152	E-REPLENISHMENT		9203	-1949.00	2390.00
11	25	03	4	09227687	CP198-03P9MA	1252	420.00	1970.00
11	25	03	5	09227687	CP198-03P9MA	1801	770.00	1200.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT				OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE	
				441.00	1190.00	1949.00	1200.00	

M5020A (12/2003)

*** O.D. INDICATES OVERDRAWN

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031
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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/227,687
Filing Date	January 8, 1999
First Named Inventor	Franck P. Tally et al.
Art Unit	1636
Examiner Name	Gerald G. Leffers, Jr.
Attorney Docket Number	C044-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s) Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1986

a. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Timothy J. Douras	Registration No. (Attorney/Agent)	41,716
Signature	<i>Timothy J. Douras</i>	Date	November 21, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Timothy J. Douras	Date	November 21, 2003
Signature	<i>Timothy J. Douras</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/15/2004 EEKUBAY1 00000022 501986 09227687

02 FC:2801 385.00 DA

01/09/04 FRI 13:57 [TX/RX NO 9817] 003

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) C044
In re Application of Francis P. Tally et al.		
Application Number 09/227,687		Filed 1/8/1999
For Methods for Identifying Validated Target and Assay Combinations for Drug Development		
Group Art Unit 1636		Examiner Leffers

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a Reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$	
<input checked="" type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$	420.00
<input type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$	
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$	
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$	

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$210.00.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. From PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-1986.

I have enclosed a duplicate copy of this sheet.

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

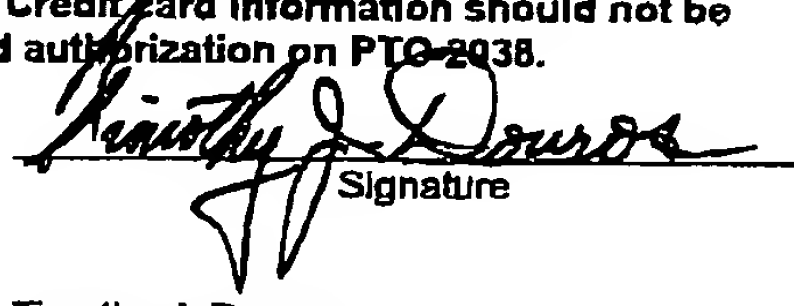
☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) _____

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November 21, 2003
Date


Signature

Timothy J. Douros
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Adjustment date: 01/15/2004 EEKUBAY1
 11/25/2003 DJACOBS 00000004 501986 09227687
 01 FC:1252 420.00 CR
 02 FC:1801 770.00 CR

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